

Minutes

Ordinary Council Meeting



Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West, Tuesday, 26 March 2024 at 6:06pm.

1. ATTENDANCE

The Lord Mayor (Councillor N Nelmes), Councillors E Adamczyk, J Barrie, J Church, D Clausen, J Mackenzie, C McCabe, C Pull, D Richardson, K Wark, P Winney-Baartz and M Wood.

J Bath (Chief Executive Officer), D Clarke (Executive Director Corporate Services and CFO), A Jones (Executive Director Creative and Community Services), C Thomson (Executive Director City Infrastructure), M Bisson (Executive Director Planning and Environment), E Kolatchew (Executive Manager Legal and Governance), S Moore (Executive Manager Finance, Property and Performance and Deputy CFO), N Kaiser (Executive Manager Media Engagement and Corporate Affairs), P Emmett (Interim Executive Manager Planning and Development), A Lopez (Chief Information Officer), L Jackel (Media Adviser), M Hughes (Media Adviser), J Knight (Councillor Services/Minutes), K Sullivan (Councillor Services/Meetings Support), L Barnao (Councillor Services/Meetings Support), R Williams (AV Support) and A Clarke (Information Technology Support).

2. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

3. PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

4. APOLOGIES / LEAVE OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK

MOTION

Moved by Cr Adamczyk, seconded by Cr Pull

The apology submitted on behalf of Councillor Duncan be received and leave of absence granted.

Carried

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

The requests submitted by Councillor Church to attend by audio visual link be received and leave granted.

Carried

5. DISCLOSURES OF INTEREST

Councillor Church

Councillor Church declared a significant, pecuniary conflict of interest in Item 9.2 - Ending No-Grounds Evictions in NSW stating that he worked in the residential property industry and would manage the interest by leaving the meeting for discussion on the item.

6. CONFIRMATION OF MINUTES

6.1. MINUTES - ORDINARY COUNCIL MEETING 27 FEBRUARY 2024

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

The draft minutes as circulated be taken as read and confirmed.

Carried unanimously

7. LORD MAYORAL MINUTE

7.1 ACKNOWLEDGING SUE RYAN'S 50 YEARS OF SERVICE TO THE CITY OF NEWCASTLE

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that 18 March 2024 marked 50 years of service to the City of Newcastle by Sue Ryan who commenced as a Library Cadet at Newcastle Public Library in 1974.
2. Notes that in recent years Sue has researched significant events for important people in Newcastle and at City of Newcastle as the Coordinator of Local Studies at City Library. Her career started quite differently, in branch libraries at Adamstown, New Lambton, Hamilton, Lambton and Wallsend and diverted to the original Reference Library and Local Studies.

3. Acknowledges Sue's many contributions and significant activities in her career including:
 - a. planning and delivery and of the Wacky Wombat Show at events like the Matarra Parade and the Newcastle Show. Grown up children continued to stop Sue in the street and remind her of her role as a puppeteer for many years.
 - b. meticulous planning of a Collection Management strategy to reorganise the non-fiction collection of the entire Newcastle Library into subject or interest categories. This successful display methodology is still in place today. This was a huge undertaking that was replicated by libraries throughout Australia.
 - c. planning and installing exhibitions in the Lovett Gallery and Local Studies Lounge to commemorate important dates and events in Newcastle's history. It was at her instigation that the first British Gas Wildlife Photographer of the Year came to Australia and continued to exhibit in the Lovett Gallery for 30 years.
 - d. She has also written and published books such as the 50th Anniversary booklet of the War Memorial Cultural Centre (City Library).
 - e. All this occurred under the direction of Managers Charles Smith, Chris Williams, Rod Blacker, Deborah Lisson, David Jenkins, Noelle Nelson, Suzie Gately and Julie Baird.
4. Notes that along the way Sue gained her Library Practice Certificate at TAFE, completed Registration Examinations with the Library Board of NSW and majored in linguistics at Newcastle University. She attained a Master of Educational Studies in 1986 and a Master of Applied Science in Information Studies from Charles Sturt University in 1997.
5. Sue has had an enduring love of sport. This has cemented many friendships over the past 50 years. Her most important celebrations were two Newcastle Knights premierships! How lucky was she to be on the doorstep of the parade and balcony celebration at City Hall. Sue's sport report after State of Origin matches at stand-up meetings are legendary. Notwithstanding, her choice of uniform on the day.
6. Awards a Service Medal commemorating Sue's 50 years of service with City of Newcastle.
7. Extends its sincere gratitude to Sue for her hard work, incredibly long record of employment and dedication to the City of Newcastle. Congratulations Sue!

Carried unanimously

Sue Ryan was presented with the City of Newcastle Service Medal by the Lord Mayor and congratulations extended by all Councillors.

7.2 HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL WINTEN DEVELOPMENT APPLICATION IN MINMI

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Reiterates that we do not support the outdated 2013 Concept Plan approved by the NSW Government for Development Application - DA2018/01351 for 858 lots at Woodford Street, Minmi;
2. Reiterates that the outdated 2013 Concept Plan approval for this site does not meet community expectations and contemporary planning instruments available in 2024, and therefore;
3. Calls on the NSW Government to heed community and Council concerns, immediately halt the development assessment process, and revise the proposal in accordance with contemporary planning expectations and instruments.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Adamczyk, Clausen, Mackenzie, McCabe, Richardson, Winney-Baartz and Wood.

Against the Motion: Councillors Barrie, Church, Pull and Wark.

Carried

7.3 MARK HUGHES FOUNDATION 10 YEAR ANNIVERSARY

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that 6 March 2024 marked 10 years since the official launch of the Mark Hughes Foundation.
2. Acknowledges its founders, former Newcastle Knight Mark Hughes and his wife Kirralee, for their strength and leadership in starting the foundation in the midst of their own cancer journey following Mark's brain cancer diagnosis.
3. Notes that brain cancer is the leading cause of cancer death in children, and adults aged under 40 in Australia with a very high mortality rate and survival rates which have hardly changed for more than 35 years.
4. Acknowledges that to date, around 1 million MHF Beanies have been sold, raising millions of dollars for research, Brain Cancer Care nurses in regional Australia and supporting brain cancer patients, carers and their families. Indeed, in this time the Mark Hughes Foundation has raised around \$30 million

dollars in support of its goals, with a \$25 million research centre established at the University of Newcastle to assist in fast tracking brain cancer research, reduce mortality rates, and hopefully one day find a cure.

5. Congratulates Mark, Kirralee and everyone at the Mark Hughes Foundation for reaching this inspiring milestone.

Carried

7.4 NEWCASTLE'S HIGH-SPEED RAIL STATION LOCATION

MOTION

Moved by Lord Mayor, Cr Nelmes

That City of Newcastle:

1. Notes that the Federal Government's High Speed Rail Authority (HSRA) recently announced that it was seeking tenders for work that will support it to deliver a business case for the Sydney to Newcastle section of the high-speed rail network by the end of 2024.
2. Notes that the work will help inform important elements of the business case including proposed alignment, station locations, fleet, cost estimate and future construction timeframes. Delivering a business case is critical to the success of this project.
3. Writes to Chief Executive Officer of the HSRA, Mr Tim Parker regarding Broadmeadow, which is the only viable location in the Greater Newcastle region for consideration as Newcastle's station location, due to its strategic placement and planned redevelopment. This position is supported by the project's inclusion in Infrastructure Australia's Priority List which highlights how the precinct supports multiple objectives of government.
4. Highlights within that correspondence Broadmeadow's benefits, and it being best placed to meet the HSRA's objectives, including due to its identification in local and state strategic plans for large scale urban renewal and planned future housing supply of at least 17,000 new dwellings, inclusion of Hunter Park sport and entertainment precinct, and connections with current and future public transport facilities, arterial roads and significant NSW Government owned lands.
5. Acknowledges the Federal Albanese Government has committed \$500 million for the planning and corridor protection of the Sydney to Newcastle section, established the High Speed Rail Authority and determined the business case will be done by the end of 2024.
6. Notes our support for the project, and acknowledges the enormous economic benefit that the project will deliver to the local and state economies, in addition to providing increased public transport options for commuters.

Carried unanimously

8. REPORTS

8.4. EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Barrie, seconded by Cr McCabe

That Council:

- 1 Receives the Executive Monthly Performance Report for February 2024.

Carried unanimously

8.5. GRANTING OF EASEMENT - AUSGRID-UON FEEDER NETWORK UPGRADE

MOTION

Moved by Cr Clausen, seconded by Cr Pull

That Council:

- 1 Approve the creation of an easement for electricity purposes over Operational Land at Lot 86 DP249785 (78 Cameron Street, Jesmond) (Land) as shown at **Attachment A**, for \$7,500 (plus GST) compensation.
- 2 Grant authority to the Chief Executive Officer or his delegate to execute all relevant documentation to authorise the transaction.

Carried unanimously

8.1. MEMORIAL DRIVE BAR BEACH PEDESTRIAN AND CYCLIST MOVEMENT

MOTION

Moved by Cr Clausen, seconded by Cr McCabe

That Council:

- 1 Approves the pedestrian and cyclist improvements on Memorial Drive, Bar Beach, as shown in Attachment A.

Carried unanimously

8.2. ADOPTION OF NEWCASTLE CITY CENTRE HERITAGE CONSERVATION AREAS REVIEW FINAL REPORT

MOTION

Moved by Cr Clausen, seconded by Cr Wark

That Council:

- 1 Adopts the HCAs Review (Attachment A)
- 2 Resolves to commence the process to amend the LEP in accordance with the key recommendations of this report.
- 3 Notes the Community Engagement Report (Phase 1) (Attachment B), Public Exhibition Report (Phase 2) (Attachment C), and Submissions Table (Attachment D).

PROCEDURAL MOTION

Moved by Cr Wood, seconded by Cr Adamczyk

The matter lay on the table to next month's Council meeting to enable Councillors to receive a further briefing at a workshop to fully consider the documentation and address community concerns.

Carried unanimously

8.3. PUBLIC ART REFERENCE GROUP (PARG) - ANNUAL REPORT 2023

MOTION

Moved by Cr Winney-Baartz, seconded by Cr Mackenzie

That Council:

- 1 Receives the Public Art Reference Group Annual Report 2023 as at Attachment A.

Carried unanimously

9. NOTICES OF MOTION

9.1. SKATEPARK FOR MEREWETHER / ADAMSTOWN (COOKS HILL CAMPUS - COLLABORATION)

In moving the motion Councillor Barrie moved an additional point 7 to the motion printed in the business papers.

MOTION

Moved by Cr Barrie, seconded by Cr Pull

That Council:

This is page 7 of the Minutes of the Ordinary Council Meeting held Council Chamber, Level 1, City Administration Centre, 12 Stewart Avenue, Newcastle West on Tuesday, 26 March 2024 at 6:06pm.

- 1 Notes that City of Newcastle undertook a review of skateparks in 2008/09, which included consultation with Councillors, skaters and the community.
- 2 Notes that the review found at that time there were ten skateparks located across the Newcastle local government area.
- 3 Notes that the review found that some streets in Adamstown and Merewether are located more than 2km from a skatepark.
- 4 Since the report, City of Newcastle has constructed a district level skate bowl at Stockton and a new regional level facility at South Newcastle Beach (the later to open mid year 2024).
- 5 Investigates a suitable location for a skatepark in the Merewether/Adamstown area. The proposed skatepark design should have space for bubblers, shaded areas, seating, and enough room for multiple people to skate at the same time so no one has a collision / accident by crashing into each other.
- 6 That the costed outcome of the investigation be reported to Sports Infrastructure Working Party for consideration.
- 7 Investigates Rowland Park, The Junction, West Park on Glebe Road, Morgan Street Reserve, Merewether and Myambalah Crescent, Merewether as suitable locations for a skatepark as per P.5 in the Notice of Motion.

AMENDMENT

Moved by Cr Clausen

That Council:

- 1 Notes that City of Newcastle undertook a review of skateparks in 2008/09, which included consultation with Councillors, skaters and the community.
- 2 Notes that the review found at that time there were ten skateparks located across the Newcastle local government area.
- 3 Notes that the review found that some streets in Adamstown and Merewether are located more than 2km from a skatepark.
- 4 Since the report, City of Newcastle has constructed a district level skate bowl at Stockton and a new regional level facility at South Newcastle Beach (the later to open mid year 2024).
- 5 Refers this motion to the Sports Infrastructure Working Party, and requests that the Working Party reviews the 2008/09 report, and considers opportunities for additional and upgraded skating facilities across the local government area.

As seconder, Councillor Pull suggested that point 5 from Councillor Barrie's original motion remain and suggested the amended point 5 become a new point 6.

Councillor Barrie indicated her preference to retain point 5 as originally moved but accepted amending the motion to include Councillor Clausen's point 5 as a point 6.

For accuracy, Councillor Mackenzie suggested that point 4 reflect that Council had constructed a skatepark at Stockton (not a skate bowl) and further requested that the Working Party also refer to information on provision of skateparks in the 2014 Parkland and Recreation Strategy.

The Lord Mayor clarified the motion as follows:

That Council:

1. Notes that City of Newcastle undertook a review of skateparks in 2008/09, which included consultation with Councillors, skaters and the community.
2. Notes that the review found at that time there were ten skateparks located across the Newcastle local government area.
3. Notes that the review found that some streets in Adamstown and Merewether are located more than 2km from a skatepark.
4. Since the report, City of Newcastle has constructed a district level skatepark at Stockton and a new regional level facility at South Newcastle Beach (the later to open mid year 2024).
5. Investigates a suitable location for a skatepark in the Merewether/Adamstown area. The proposed skatepark design should have space for bubblers, shaded areas, seating and enough room for multiple people to skate at the same time so no-one has a collision/accident by crashing into each other.
6. Refers this motion to the Sports Infrastructure Working Party, and requests that the Working Party reviews the 2008/09 report, refers to information on provision of skateparks in the 2014 Parkland and Recreation Strategy from 2014, and considers opportunities for additional and upgraded skating facilities across the local government area.

The motion moved by Councillor Barrie and seconded by Councillor Pull, as amended by Councillor Clausen and Councillor Mackenze, was put to the meeting.

Carried

9.2. ENDING NO-GROUNDS EVICTIONS IN NSW

Councillor Church left the meeting for discussion on the item.

MOTION

Moved by Cr Adamczyk, seconded by Cr Richardson

That City of Newcastle:

- 1 Commends the NSW Government's 2023 commitment to replace existing 'no grounds' eviction provisions through reforms to the *Residential Tenancies Act 2010*, and notes that NSW Labor has been committed to ending 'no grounds' eviction for many years,

- 2 Notes with concern that the majority (58%) of renters in NSW are on a fixed-term agreement, and that the majority (71%) of fixed-term renters in NSW receive a 'no grounds' eviction notice at the end of the agreement,
- 3 Notes with concern that in 2024 57% of clients who called Hunter Tenants Advice and Advocacy Service (Hunter TAAS) after receiving a notice of termination are facing a 'no grounds' eviction,
- 4 Notes that no grounds evictions that require renters to find a new home with only 30 days' notice are destabilising, traumatic, and expensive, disproportionately impact vulnerable renters such as those on lower incomes or on statutory benefits, impact housing affordability by often leading to vacated premises being re-let at higher rent, and can result in homelessness,
- 5 Notes that Australia has long been an outlier amongst OECD jurisdictions in allowing no grounds evictions and that Australian renters enjoy less security of tenure than most comparable countries (AHURI 2018),
- 6 Notes that the 2023 Parliamentary Inquiry into *The Worsening Rental Crisis in Australia* found that fear of 'retaliatory evictions' can act to gag renters from requesting repairs or upgrades to ensure safe and healthy housing in their home, and recommended that the removal of no grounds evictions as a prerequisite to other reforms of rental controls and housing security, and
- 7 Makes a submission to the NSW State Government to remove all provisions from the *Residential Tenancies Act 2010* that allow no grounds evictions (for both periodic and fixed-term leases) and introduce provisions to *The Act* ensure that a residential tenancy ends only for fair and reasonable grounds to ensure a safe, secure, stable, and affordable home for all renters.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Adamczyk, Barrie, Clausen, Mackenzie, McCabe, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Councillor Pull.

Carried

Councillor Church returned to the meeting at the conclusion of the item.

10. CONFIDENTIAL REPORTS

PROCEDURAL MOTION

Moved by Cr Barrie, seconded by Cr Winney-Baartz

Council move into confidential session for the reasons outlined in the business papers.

Carried

Council resolved into confidential session at 8.42pm.

PROCEDURAL MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

Council move back into open Council.

Carried unanimously

Council resolved into open session at 8.45pm and the Chief Executive Officer reported the outcome of confidential session.

10.1. TECHNOLOGY ONE CONTRACT VARIATION

MOTION

Moved by Cr Barrie, seconded by Cr Mackenzie

That Council:

- 1 Approves the variation to the Software as a Service (SaaS) contract with TechnologyOne to enable CN's ongoing digital transformation, bringing the total contract cost to \$14,579,673 (excluding GST) over seven years.

For the Motion: Lord Mayor, Councillor Nelmes and Councillors Adamczyk, Barrie, Church, Clausen, Mackenzie, McCabe, Pull, Richardson, Wark, Winney-Baartz and Wood.

Against the Motion: Nil.

Carried

The meeting concluded at 8.46pm.